

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 09-50779

In re:

Dennis E. Hecker,

Debtor.

**NOTICE OF HEARING AND MOTION FOR TURN OVER OF RECORDS**

TO: Officer/Managing Agent, Copart, Inc., 4665 Business Center Dr.  
Fairfield, CA 94534.

1. Randall L. Seaver, the Chapter 7 trustee herein, moves the Court for the relief request below and gives notice of hearing herewith.

2. The Court will hold a hearing on this motion at 2:00 p.m. on November 3, 2010, in Courtroom 7 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery not later than October 29, 2010 which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This motion is filed under Local Rule 9013-2, this proceeding arises under 11 U.S.C. §542 and Local Rule 6072-1.

5. The petition commencing this Chapter 7 case was filed on June 4, 2009. The case is now pending in this Court.

6. The stock of Northstate Financial Corporation is owed by the bankruptcy estate. The Trustee has learned that Dennis Hecker has received at least one check from Copart, Inc.

payable to Northstate Financial. Mr. Hecker apparently endorsed that check to Automotive Concepts and it was deposited into an Automotive Concepts bank account on September 10, 2010, three days after Hecker entered a guilty plea to two federal felonies. Copies of the check and deposit ticket, with redaction, are attached Exhibit A. Hecker may have received other such checks from Copart, Inc. Accordingly, Copart, Inc. may have knowledge regarding the financial affairs of this estate. According to its website, Copart, Inc., among other things, sells automobiles online.

7. The Trustee seeks an order requiring Copart, Inc. to turn over copies of any and all documents, including, without limitation, copies of checks, invoices, contracts, receipts, e-mails, and any and all other documents relating to the sale of any vehicles, parts, or any other items for, or on behalf of any of the following individuals or entities from January 1, 2010 to date:

- a. Northstate Financial Corporation;
- b. Dennis Hecker;
- c. Denny Hecker Auto Group;
- d. Rosedale Leasing;
- e. Rosedale Dodge, Inc.;
- f. Walden Fleet Services;
- g. Walden Auto Leasing;
- h. Automotive Concepts;
- i. James Gustafson; and,
- j. Christi Rowan.

8. The Trustee also seeks copies of any and all documents relating to check number 7630398 issued by Copart, Inc., to Northstate Financial dated 8/26/2010, including, without limitation, all documents evidencing the reason for this check, and all correspondence, contracts, and communication in any way related to the check and the sale of items which generated the funds represented by the check.

WHEREFORE, the Trustee requests an order of the Court compelling Copart, Inc., to turn over to the Trustee:

1. Any and all documents, including, without limitation, copies of checks, invoices, contracts, receipts, e-mails, and any and all other documents relating to the sale of any vehicles, parts, or any other items for, or on behalf of any of the following individuals or entities from January 1, 2010 to date:

- a. Northstate Financial;
- b. Dennis Hecker;
- c. Denny Hecker Auto Group;
- d. Rosedale Leasing;
- e. Rosedale Dodge, Inc.;
- f. Walden Fleet Services;
- g. Walden Auto Leasing;
- h. Automotive Concepts;
- i. James Gustafson; and,
- j. Christi Rowan.

2. Copies of any and all documents relating to check number 7630398 from Copart, Inc., to Northstate Financial dated 8/26/2010, including, without limitation, all documents evidencing the reason for this check, and all correspondence, contracts, and communication in any way related to the check and the sale of items which generated the funds represented by the check.

**LEONARD, O'BRIEN  
SPENCER, GALE & SAYRE, LTD.**

Dated: October 13, 2010

/e/ Matthew R. Burton  
By: \_\_\_\_\_  
Matthew R. Burton, #210018  
100 South Fifth Street  
Suite 2500  
Minneapolis, Minnesota 55402-1234  
(612) 332-1030

Attorneys for Randall L. Seaver, Trustee

**VERIFICATION**

I, Randall L. Seaver, trustee for the Bankruptcy Estate of Dennis E. Hecker, named in the foregoing notice of hearing and motion for turn over of records declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on October 13, 2010

/e/ Randall L. Seaver

\_\_\_\_\_  
Randall L. Seaver, Trustee

428999

DDA CIRCULARS - 03/10/2010

CHECKS	DATE	AMOUNT
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TOTAL \$ 2,959.37

010102010-0CB 09 1005

Transit - 09/10/2010

7630398

DATE 09/10/2010

AMOUNT \$ 2,959.37

ACCOUNT NUMBER 010140120

CLAIMS 000001

FOR [REDACTED]

DDA CIRCULARS - 03/10/2010

DEPOSIT TICKET

Bank of America

NAME First One Bank

DATE 09/10/2010

AMOUNT 2,959.37

ACCOUNT NUMBER 010140120

CLAIMS 000001

FOR [REDACTED]

Transit - 09/10/2010

7630398

DATE 09/10/2010

AMOUNT \$ 2,959.37

ACCOUNT NUMBER 010140120

CLAIMS 000001

FOR [REDACTED]

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 09-50779

In re:

Chapter 7

Dennis E. Hecker,

Debtor.

**UNSWORN CERTIFICATE OF SERVICE**

I hereby certify that on October 13, 2010, I caused the following documents:

***Notice of Hearing and Motion for Turn Over of Records and Order (proposed)***

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

Dennis E. Hecker  
1615 Northridge Drive  
Medina, MN 55391

Michael B. Lubic  
10100 Santa Monica Blvd 7th Floor  
Los Angeles, CA 90067

Copart, Inc.  
Attn: Officer/Managing Agent  
4665 Business Center Dr.  
Fairfield, CA 94534.

Michael W. Malter  
Binder & Malter LLP  
2775 Park Avenue  
Santa Clara, CA 95050

/e/ Stephanie Wood

Dated: October 13, 2010

Stephanie Wood  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030

429053

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 09-50779

In re:

Dennis E. Hecker,

Debtor.

**ORDER**

This case before the court on the motion of Randall L. Seaver, Chapter 7 trustee, for turn over of records of the estate.

Upon the motion and the files,

IT IS ORDERED that within 7 days from the entry of this order, Copart, Inc, shall turn over to the trustee:

1. Any and all documents, including, without limitation, copies of checks, invoices, contracts, receipts, e-mails, and any and all other documents relating to the sale of any vehicles, parts, or any other items for, or on behalf of any of the following individuals or entities from January 1, 2010 to date:

- a. Northstate Financial;
- b. Dennis Hecker;
- c. Denny Hecker Auto Group;
- d. Rosedale Leasing;
- e. Rosedale Dodge, Inc.;
- f. Walden Fleet Services;
- g. Walden Auto Leasing;
- h. Automotive Concepts;
- i. James Gustafson; and,
- j. Christi Rowan.

2. Copies of any and all documents relating to check number 7630398 from Copart, Inc., to Northstate Financial dated 8/26/2010, including, without limitation, all documents evidencing the reason for this check, and all correspondence, contracts, and communication in any way related to the check and the sale of items which generated the funds represented by the check.

Dated:

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United States Bankruptcy Court Judge

428998